

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MAHOGANY BOLDEN, individually and
and as Mother and Natural Guardian of her daughter,
L.B., a minor,**

Plaintiff,

vs.

MICHAEL L. BURKE,

Defendant.

Case No. 16-cv-204-DRH-PMF

Order

Now before the Court is Defendants' March 3, 2016 motion to dismiss the claims pertaining to L.B. for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. 9).

Plaintiff sought leave to amend the complaint in order to properly allege jurisdiction, which the Court granted (Doc. 17) Thereafter, the Court issued an order addressing the motion to dismiss, stating that "the Motion to Dismiss for Failure to State a Claim, although filed prior to the Amended Complaint, applies equally to the Amended Complaint. Accordingly, plaintiff shall respond to the pending Motion to Dismiss no later than 5/16/2016." (Doc. 20).

As of today's date, plaintiff has not responded to the motion to dismiss. Pursuant to Local Rule 7.1(c), the Court considers the failure to respond as an admission of the merits of the motion to dismiss.¹ Accordingly, the Court

¹Local Rule 7.1(c) provides in part: "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."

GRANTS the motion to dismiss (Doc. 9). The Court **DISMISSES with prejudice** plaintiff's claims on behalf of L.B. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same at the close of the case.

IT IS SO ORDERED.

Signed this 24th day of May, 2014.

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2016.05.24
10:21:13 -05'00'

United States District Judge